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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-EIGHTH SESSION

Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Canada, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Finland, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Kenya, Mexico, Morocco, Norway, Peru, Poland, Portugal, Singapore, Slovakia, Spain, Sweden, Turkey, Uganda, Uruguay and Venezuela: draft resolution

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-eighth session, 1/

Mindful of the valuable contribution to be rendered by the United Nations Commission on International Trade Law within the framework of the United Nations Decade of International Law, particularly as regards the dissemination of international trade law,

Concerned about the relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, owing in part to inadequate resources to finance the travel of such experts,

Having considered also the report of the Secretary-General, 2/

Concerned also about the fact that the need for and interest in the training and assistance programme of the Commission can only partially be met, in view of the limited human and financial resources available, and that the work of the Secretariat in the context of the Case Law on the UNCITRAL texts would substantially increase as the number of the court decisions and arbitral awards covered thereby grows,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-eighth session;

2. Takes note with satisfaction of the completion and adoption by the Commission of the draft Convention on Independent Guarantees and Stand-by Letters of Credit; 3/

3. Commends the Commission for the progress made at its twenty-eighth session in the preparation of a draft Model Law on Legal Aspects of Electronic Data Interchange and Related Means of Communication, as well as in the preparation of draft Notes on Organizing Arbitral Proceedings, and in this connection welcomes the decision of the Commission to continue its consideration of the draft Model Law and the draft Notes with a view to completing its work during its twenty-ninth session;

4. Welcomes the decision of the Commission to commence work on the subjects of receivables financing and cross-border insolvency, and to consider the feasibility and desirability of undertaking work on negotiability and transferability of EDI transport documents, based on a background study to be prepared by the Secretariat and on the discussion of the topic by the Working Group on EDI at its thirtieth session;

1/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17).

2/ A/50/434.

3/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17), annex I.

5. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law and, in this connection, recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

6. Also reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on UNCITRAL legal texts;

7. Expresses the desirability for increased efforts by the Commission in sponsoring seminars and symposia to provide such training and technical assistance, and, in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Armenia, Azerbaijan, Botswana, China, Colombia, Czech Republic, Georgia, Kenya, Namibia, Panama, Uzbekistan and Zimbabwe;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the Trust Fund for the United Nations Commission on International Trade Law symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

(c) Appeals to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

8. Appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the Trust Fund for Travel Assistance to Developing Countries that are members of the Commission, at their request and in consultation with the Secretary-General;

9. Decides, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue its consideration in the competent Main Committee during the fiftieth session of the General Assembly on granting travel assistance, within existing resources, to

the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

10. Requests the Secretary-General to ensure that adequate resources are allocated for the effective implementation of the programme of the Commission;

11. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

12. Also requests the Secretary-General to submit a report on the implementation of paragraph 9 above to the General Assembly at its fifty-first session.